

Stuart M. Eppsteiner (SBN 098973)
sme@eppsteiner.com
Andrew J. Kubik (SBN 246902)
ajk@eppsteiner.com
Zelekha Amirzada (SBN 250419)
za@eppsteiner.com
EPPSTEINER & FIORICA ATTORNEYS, LLP
12555 High Bluff Dr., Ste. 155
San Diego, CA 92130
Tel. (858) 350-1500
Fax (858) 350-1501

Counsel for Plaintiffs and the Class

Elwood Lui (SBN 45538)
elui@jonesday.com
Frederick L. McKnight (SBN 55183)
fmcknight@jonesday.com
Erik K. Swanholz (SBN 198042)
ekswanholz@jonesday.com
JONES DAY
555 South Flower Street, 15th Floor
Los Angeles, California 90071-2300
Tel: (213) 489-3939
Fax: (213) 243-2539

**Counsel for Defendant
BSH HOME APPLIANCES CORPORATION**

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

DIANA TAIT, et al., individually and)
on behalf of all others similarly situated,)
Plaintiffs,)
vs.)
BSH HOME APPLIANCES)
CORPORATION, a Delaware)
Corporation,)
Defendant.)
Case No. SACV10-711 DOC (ANx)

**[PROPOSED] ORDER
GRANTING JOINT
STIPULATION AND AMENDING
SCHEDULING ORDER**

Assigned to:
District Judge: David O. Carter
Courtroom 9D

Discovery Magistrate Judge:
Arthur Nakazato

1 The Court having reviewed Plaintiffs' and Defendant BSH Home Appliances
2 Corporation's Joint Stipulation Amending this Court's Scheduling Order and
3 pursuant to the Court's June 16, 2014 Order (Dkt. 223), orders that its Scheduling
4 Order is Amended as follows:

5 **DISCOVERY**

6 1. Defendant shall produce all documents relevant to its seven most
7 recently disclosed witnesses and produce these witnesses for deposition on or before
8 August 25, 2014.

9 **EXPERT REPORTS AND DISCLOSURES**

10 2. Defendant disclosed on May 14, 2014 non-damages expert(s) who were
11 not previously disclosed. Plaintiffs shall have until June 30 to disclose their
12 responsive experts and any reports prepared responding to opinions disclosed by
13 Defendant's newly disclosed expert(s).

14 3. The parties shall complete expert discovery, including the depositions
15 of all disclosed experts on or before August 25, 2014.

16 **LAW & MOTION AND PRE-TRIAL PROVISIONS**

17 4. Motions for Summary Judgment shall be filed on or before August 27,
18 2014, and any memorandum of points and authorities shall not exceed 25 pages.

19 5. Oppositions to a Motion for Summary Judgment and a party's Daubert
20 Motion to Exclude Evidence proffered in support of a Motion for Summary
21 Judgment shall be filed on or before September 26, 2014, and any memorandum of
22 point and authorities shall not exceed 25 pages.

23 6. A party's Daubert motion to exclude expert opinions in support or
24 opposition to a Motion for Summary Judgment or Motion to Decertify shall state the
25 movants objections to all of the opposing party's experts in single moving,
26 opposition and reply briefs. There shall not be separate Daubert motions or briefs
27 filed to oppose an individual expert's opinion. No party shall submit more than one
28

2 [PROPOSED] SCHEDULING ORDER

1 Daubert brief with regard to an individual expert (i.e. if an expert is the subject of a
2 Daubert motion in support of or opposition to a Motion for Summary Judgment, the
3 same expert shall not be addressed in a Daubert brief in support of or opposition to a
4 Motion to Decertify, except that the party who moved against an expert supporting
5 or opposing summary judgment may reference that motion in support of or
6 opposition to a Motion to Decertify).

7 7. Each Motion for Summary Judgment reply brief and a party's Daubert
8 Motion to Exclude Evidence proffered in opposition to a Motion for Summary
9 Judgment shall be filed on or before October 8, 2014, and not exceed 25 pages

10 8. Opposition briefs regarding a Daubert Motion to exclude evidence
11 submitted in support of a party's Motion for Summary Judgment shall be filed on or
12 before October 8, 2014, and shall not exceed 25 pages.

13 9. Daubert Motion reply briefs, in support of a motion to exclude evidence
14 in support of a party's motion for summary judgment, and Opposition briefs
15 regarding a Daubert Motion to exclude evidence submitted in opposition to a party's
16 Motion for Summary Judgment shall be filed on October 17, 2014, and said brief
17 shall not exceed 25 pages

18 10. Daubert Motion reply briefs in support of a motion to exclude evidence
19 in support of a party's opposition to a Motion for Summary Judgment shall be filed
20 on October 23, 2014.

21 11. The hearing on the Motions for Summary Judgment shall be November
22 3, 2014, or later as the Court prefers.

23 12. Defendant's Motion to Decertify shall be filed on or before September
24 8, 2014, and said brief shall not exceed 25 pages.

25 13. Opposition to Defendant's Motion to Decertify and Plaintiffs' Daubert
26 Motion to Exclude Evidence proffered in support of Defendant's Motion to

Decertify shall be filed on or before October 6, 2014, and each such brief shall not exceed 25 pages.

14. Reply briefs in support of Defendant's Motion to Decertify and Defendants' Daubert Motion to Exclude Evidence proffered in Opposition to the Motion to Decertify shall be filed on or before October 17, 2014, and said brief shall not exceed 25 pages.

15. Defendant's opposition to Plaintiffs' Daubert Motion to exclude evidence proffered in support of Defendant's Motion to Decertify shall be filed on or before October 17, 2014, and said brief shall not exceed 25 pages.

10 16. Plaintiffs' reply brief in support of its Daubert Motion to exclude
11 evidence in support of Defendant's Motion to Decertify and Plaintiffs' opposition to
12 Defendant's Daubert Motion to exclude Plaintiff's evidence in opposition to
13 Defendant's Motion to Decertify shall be filed on or before October 24, 2014, and
14 shall not exceed 25 pages.

15 17. Defendant's reply brief in support of its Daubert Motion to exclude
16 Plaintiffs' evidence in support of Plaintiffs' opposition to Defendant's Motion to
17 Decertify shall be filed on or before October 30, 2014, and shall not exceed 25
18 pages.

18. The hearing on Defendant's Motion to Decertify and the Defendants
and/or Plaintiffs' Daubert Motion to Exclude Evidence shall be set for November
10, 2014, or later, as the Court prefers.

22 19. The parties' Daubert Motions to Exclude evidence at trial shall be filed
23 on or before September 22, 2014, and said briefs shall not exceed 25 pages.

24 20. The parties' oppositions to Daubert Motions to Exclude evidence at
25 trial shall be filed on or before October 27, 2014, and said briefs shall not exceed 25
26 pages.

21. The parties' replies in support of their Daubert Motions to Exclude evidence at trial shall be filed on or before November 10, 2014, and said briefs shall not exceed 25 pages.

22. The hearing on the parties' Daubert Motions to Exclude evidence at trial shall be set for November 24, 2014, or later, as the Court prefers

23. The parties shall conduct and complete mediation on or before September 30, 2014.

PRE-TRIAL DATES

24. The last day to comply with Pretrial Disclosures shall be December 12, 2014.

25. The last day to lodge the Final Pretrial Order with the Clerk shall be December 12, 2014.

26. The last day to file and serve the Joint List of Exhibits and the List of Trial Witnesses shall be December 15, 2014.

27. The Pre-Trial Conference shall take place on January 5, 2015, at 8:30 a.m., in Courtroom 9A.

28. The last day for each party to file and serve its Trial Brief shall be January 6, 2015.

TRIAL

29. Trial shall commence before the Honorable David O. Carter, United States District Court Judge, on January 13, 2015, at 8:30 a.m., in Courtroom 9A.

IT IS SO ORDERED.

June ___, 2014

Honorable David O. Carter
United States District Court Judge